

# **STORMWATER USER FEE APPEAL MANUAL AND APPLICATION**

The following information is intended to clarify *Section 393.15.08. Appeal procedure* as adopted in Ordinance 15147 on December 6, 2017.

The City of Allentown has established formal policies and procedures with regard to the individual property owner's ability to appeal their stormwater fee. The process outlines the steps that property owners follow to appeal a stormwater fee(s).

A completed appeal form with required documentation should be submitted to:

**City of Allentown Stormwater Appeals  
Department of Public Works  
641 South 10<sup>th</sup> Street  
Allentown, Pennsylvania 18103**

An appeal must be **submitted within 30 days from the date the bill was mailed** by the City to the property owner.

#### **Qualification for an Appeal:**

If there is an issue regarding the property-based data on the tax bill, the owner or owner's representative should contact Lehigh County to discuss the concern (e.g., owners name, address, deceased owner).

There are four primary issues that can result in an appeal of the stormwater fee by the property owner.

1. Incorrect calculation of the square footage of impervious area (i.e., number of billing units);
2. Incorrect property exemption status (only two property types are exempt – public roads and railroad track ballast);
3. Mathematical error in calculating fee; or
4. An approved credit was not applied correctly. (Available in FY19 if policy is adopted by City Council)

#### **Outcomes of an Appeal of the Calculation of Impervious Area on the Parcel**

Property owners should be aware that there are a number of outcomes that could occur on an appeal of the measurement of impervious area on the parcel. Each billing unit is 500 square feet of impervious area, rounded up or down to the nearest whole number. Outcomes could be:

1. No change in measurement; no change in the number of billing units.
2. Reduction in the amount of impervious area; no change in billing units because the impervious area adjustment was too small to change the total number of billing units.
3. Reduction in the amount of impervious area; reduction in billing units.
4. Increase in the amount of impervious area; no change in billing units because the adjustment was too small to change the total number of billing units.
5. Increase in the amount of impervious area; increase in number of billing units.

#### **APPEAL PROCESS**

An appeal process begins with the property owner providing:

- Complete and signed Application Form;
- Written statement regarding the nature of the appeal; and
- Information required that supports the appeal.

For appeals related to the fee calculation (math error) or amount of impervious surface (error in measurement of impervious area), the applicant must provide the following with the appeal form:

- A plot plan, map, aerial image, as-built drawings, or similar information detailing actual impervious surfaces currently on-site.
- The owner's estimate of the total amount of impervious area based on supporting documentation submitted with the application.

Once the application and supporting data are complete, they are submitted to the address on the Appeal Form (also provided above).

#### **Review Process:**

**Step One:** Upon receipt of an Appeal Application, City staff will log Appeal for tracking purposes.

**Step Two:** Within 15 calendar days of receipt, the City Hearing Officer, who is appointed by the Public Works Director, shall determine if the Application is complete. If the application is incomplete, the Hearing Officer shall offer to the property owner 30 additional calendar days to supply missing information. The 30 day period begins from the date of notification of the incomplete application. The Hearing Officer will document when the owner was notified and how that notification was delivered.

**NOTE:** If the property owner does not provide the additional information requested, within the 30 days granted by the Hearing Officer, the appeal will be considered closed.

**Step Three:** Upon determination of a complete application, the Hearing Officer shall complete a review of the Appeal Application and documentation. A determination of outcome of the Appeal is communicated to the applicant by the Hearing Officer within 30 calendar days after receipt of the complete Application. The Hearing Officer shall document the delivery of the notification to the property owner, sending the notification by mail or hand delivery.

*Outcome Reducing the Number of Billing Units:* If the property owner has paid the fee for the current year and is eligible for a refund based on the decision of the Hearing Officer, the refund will be initiated by the Public Works Department through appropriate internal procedures and noted in the tracking log regarding the appeal. The adjustment in billing units will be provided to the appropriate staff of the Public Works Department with instructions on changes to the account files, GIS files, and/or the customer's stormwater utility fee. Archived copies of billing and GIS files should be retained for City records. If the bill for the fee has not been paid, the property owner has 15 days after receipt of the decision of the Hearing Officer to pay the adjusted amount due.

*Outcome Increasing the Number of Billing Units:* If it is the determination of the Hearing Officer that the amount of impervious area is greater than originally measured AND it increases the number of billing units, the billing file will be adjusted for the bill preparation in the following billing period. The property owner should be sure to pay the fee based on the current year bill, no later than 15 days after notification

of the finding of the Hearing Officer, and by July 15 to ensure the account is paid on time to avoid late payment penalties.

**Step Four:** If property owner disagrees with the Hearing Officer’s decision, the property owner may appeal that decision to the Public Works Director within 30 days of receipt of the written decision. The property owner must state in writing the grounds for further appeal and supply additional information as appropriate to support the claim.

**Step Five:** The Director shall issue a written decision on the appeal via certified mail to the property owner within 30 days of receiving documentation of the disputed Hearing Officer’s decision, and update the tracking log on the appeal. Any person aggrieved by a decision of the Director may appeal to the Court of Common Pleas of Lehigh County within 30 days of receipt of the Director’s decision.

**Step Six:** The customer shall pay any required fees within 15 days of the expiration of their right to appeal. If payment is not received by July 15, the unpaid fee shall be considered delinquent and subject to the provisions of 393,15,07.8 B through D, BILLING, INTEREST AND ENFORCEMENT.

**Timelines:**

Action	Who Take Action	Time Allowed
1. File an Appeal	Property Owner	Within 30 Days of Bill Mailing Date
2. Review for Completeness of Documentation from Owner	Public Works Director’s Designated Hearing Officer	Review for completeness within 15 days of receipt of Appeal Application
3. If documentation is incomplete	Owner resubmits with additional documentation	Within 30 days of notification of deficiency of Application
<i>If not resubmitted appeal</i>	<i>Property Owner</i>	<i>Hearing Officer closes appeal</i>
4. Appeal documentation deemed complete and review begins	Hearing Officer	30 days to respond to owner in writing (deny or adjust account)
5. Request a review of Hearing Officer decision on appeal	Property Owner	Within 30 days of notification of Hearing Officer decision
6. Review of Hearing Officer decision and requested Appeal	Public Works Director	Complete and notify owner of decision on review within 30 days of PW receipt of request for review
7. Appeal to Court of Common Pleas of Lehigh County	Property Owner	Within 30 days of receipt of decision by Public Works Director review and final decision
8. Payment of Amount Due	Property Owner	Within 15 calendar days after the expiration of owner’s right to appeal or a decision adverse to owner made by Court.

## City of Allentown Stormwater Utility Fee Appeal Application

This application is for property owners to appeal their stormwater fee with regard to billing errors or inaccuracies. Pertinent sections must be filled out in their entirety. Please submit one application per parcel to:

**City of Allentown Stormwater Appeals  
Department of Public Works  
641 South 10<sup>th</sup> Street  
Allentown, Pennsylvania 18103**

Applications must be received within 30 days of the charge being mailed to the property owner.

**Date:** \_\_\_\_\_ **Account No. (From Property Tax Bill):** \_\_\_\_\_

**Property Owner Information:**

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_

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**Reason for Appeal** (Check Applicable):

- |  |  |
|--|--|
| <input type="checkbox"/> Incorrect impervious area square footage      | <input type="checkbox"/> Approved credit incorrectly applied   |
| <input type="checkbox"/> Property exempt (public street, rail ballast) | <input type="checkbox"/> Mathematical error in fee calculation |

**Application Checklist:** Please include the following documents with this application:

- Complete and Signed Application
- Written Appeal Description of the nature of the appeal

If the appeal is related to the amount of impervious area/billing unit value, the following additional documentation must be provided:

- Plot plan, map, aerial image, as-built drawing, or similar information detailing actual impervious surfaces currently on-site.
- The owner's estimate of the total amount of impervious area based on supporting documentation submitted with the application.

